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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,274	10/17/2001	Ryan Lance Levin	1-15562	8186
1678	7590	03/03/2006	EXAMINER	
MARSHALL & MELHORN FOUR SEAGATE, EIGHT FLOOR TOLEDO, OH 43604			COBANOGLU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,274

Applicant(s)

LEVIN ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1 to 11 have been examined.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 to 11 are rejected under 35 U.S.C. 102(b) as being unpatentable by Douglas et al. (U.S. Patent No. 6,039,688)

A. As per claim 1, Douglas et al. discloses a method of managing the use of a medical scheme by members thereof including:

- i. defining a plurality of health-related facilities and/or services (Douglas et al.; col. 6, lines 7-13);
- ii. offering the facilities and/or services to members of the medical aid scheme (Douglas et al.; col. 6, lines 27-38);
- iii. monitoring use of the facilities and/or services by each member (Douglas et al.; col. 7, lines 54-65 and col. 10, lines 9-16);
- iv. allocating a credit value to each member according to their use of the facilities and/or services (Douglas et al.; col. 14, lines 38-42); and
- v. allocating rewards to members who accumulate credit values exceeding predetermined values (Douglas et al.; col. 14, lines 42-47).

B. As per claim 2, Douglas et al. discloses a method according to claim 1 wherein the plurality of health-related facilities and/or services includes at least one of the group consisting of membership of health clubs, membership of

gymnasiums, membership of fitness programs, weight loss programs and programs to quit smoking (Douglas et al.; col. 5, line 60 to col. 6, line 6).

C. As per claim 3, Douglas et al. discloses a method according to claim 2 wherein the plurality of health-related facilities and/or services further includes predetermined preventive medical procedures (Douglas et al.; col. 2, lines 23-47).

D. As per claim 4, Douglas et al. discloses a method according to claim 2 wherein the plurality of health-related facilities and/or services further includes a medical advice service (Douglas et al.; col. 14, lines 46-52 and col. 15, lines 1-4).

E. As per claim 5, Douglas et al. discloses a method according to claim 2 wherein the plurality of health-related facilities and/or services further includes predetermined procedures (Douglas et al.; col. 15, lines 25-39).

F. As per claim 6, Douglas et al. discloses a method according to claim 5 wherein the predetermined procedures include at least one of the group consisting of advance pre-authorization of hospitalization, advance pre-authorization of treatment, registration for electronic funds transfer and compliance with preferred procedures (Douglas et al.; col. 5, lines 45-51).

G. As per claim 7, Douglas et al. discloses a method according to claim 1 wherein a reward allocated to a member is linked to the amount of the member's annual claims or whether or not the member has been hospitalized in a predetermined period of time (Douglas et al.; col. 14, lines 38-42 and col. 17, line 64 to col. 18, line 5).

H. As per claim 8, Douglas et al. discloses a method according to claim 7 wherein the reward allocated to the member includes at least one of the group consisting of: prizes allocated on the basis of a draw, the magnitude of a member's credit value being related to the chance of winning the draw; access to health-related facilities and/or services for family members; decreased premium payments according to a predetermined scheme; and increased benefit payments according to a predetermined scheme (Douglas et al.; col. 5, lines 52-59).

I. As per claim 9, Douglas et al. discloses a method according to claim 1 wherein a reward allocated to a member is not actually given to the member before a predetermined period has passed or the member has attained a predetermined age (Douglas et al.; col. 18, line 66 to col.19, line 2).

J. As per claim 10, Douglas et al. discloses a method according to claim 9 wherein the reward allocated is forfeited by the member if they are not still a member of the medical aid scheme after the predetermined period has passed or after the member has attained such predetermined age (Douglas et al.; col. 14, lines 38-47).

K. As per claim 11, Douglas et al. discloses in a method of managing the business of a medical scheme wherein the provider of such medical scheme undertakes liability in return for a premium or contribution, and provides to members who pay such premiums or make such contributions, relevant health

services, and/or assistance in defraying expenses incurred in connection with rendering such relevant health services, the improvement comprising:

- i. defining a plurality of health-related facilities and/or services (Douglas et al.; col. 6, lines 7-13);
- ii. offering the facilities and/or services to members of the medical aid scheme (Douglas et al.; col. 6, lines 27-38);
- iii. monitoring use of the facilities and/or services by each member (Douglas et al.; col. 7, lines 54-65 and col. 10, lines 9-16);
- iv. allocating a credit value to each member according to each use of the facilities and/or services (Douglas et al.; col. 14, lines 38-42); and
- v. allocating rewards to members who accumulate credit values exceeding predetermined values (Douglas et al.; col. 14, lines 42-47).

### ***Conclusion***


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach "Computer directed exercising apparatus" 4,556,216 A, "System for skip rope exercising" 4,699,375 A, "Fitness and nutrition game apparatus and method of play" 5,062,645 A, "Character thinning using emergent behavior of populations of competitive locally independent processes" 5,574,803 A, "Fitness feedback system for weight stack machines" 5,655,997 A, "Process and system for arrangement of documents" 5,745,893 A.

Art Unit: 3626

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC

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Art Unit 3626

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER